

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
MARCH 31, 2020
HELD ONLINE VIA ZOOM APPLICATION

Commission Members Present: Michael Timmons, William McFarland, James Kelley, Jr., Edward Kelleher, and Richard Shiers

Commission Members Absent: None.

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, Joy Bonenfant, Miles Greenleaf, Jaime Wood, and Zachary Matzkin

1. Call the Meeting to Order and Introductions: Michael Timmons

Notice of Reopening of the 2020 Race Date Award Hearing

Pursuant to the provisions of Chapter 19 Section 10, the Commission will reopen the 2020 Date Assignment Hearing on March 31, 2020 at 9:00 a.m. The method of the hearing will be determined by a subsequent procedural order to be issued by the presiding officer. It is anticipated that the hearing will occur via remote access pursuant to 1 MRSA §403-A.

The purpose of the hearing is as follows:

- 1) The Department of Agriculture, Conservation and Forestry on behalf of all licensees, seeks suspension of the inspection program that is a condition of the 2020 track licenses.
- 2) The Commission will consider the request of Davric Maine Racing, LLC that its assigned racing dates potentially be changed due to the COVID19 outbreak.

This hearing is subject to any future modifications by virtue of future proclamations of the Governor.

AAG, Guay asked if there were any objections to reopening the hearing. There were none.

RECORD OF ROLL CALL VOTE

Motion:

**Reopen the 2020 Race Date Proceedings to Change Race Dates during
Emergency Executive Orders and suspend mandatory Department inspection
program.**

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

AAG, Guay asked if anyone wanted to objection to the motion. There were none.

RECORD OF ROLL CALL VOTE

Motion:

Pursuant to the Uniform Electronic Transaction Act, the Commission makes the following determinations:

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

AAG, Guay stated Exhibit 5 will not be admitted into the record. He asked if anyone objects to the admission of the other 4 exhibits. Mr. MacColl stated he does not object. AAG, Guay admitted the exhibits.

RECORD OF ROLL CALL VOTE

Motion:

VACATE the mandatory inspection program applicable to all 2020 licenses contained in “Department’s motion” attached as Exhibit 6.

Commissioners:

Michael Timmons	NAY
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 4-1. Commissioner Timmons opposed.

AAG, Guay asked if there are any objections to the admission of the Maine Harness Horsemen’s Association’s exhibits 1, 2, and 3. Hearing none, they are admitted. AAG, Guay stated he would like the record to reflect though they did circulate a number of motions to the parties and also invited the parties, provided templates, provided the parties the opportunities to submit motions. He would also like the record to reflect that the purpose for doing so was not to necessarily have the presiding officers view be advanced as a matter of fact there were a couple of other suggestions, and as the presiding officer he actually drafted decisions and orders that would reflect those other suggestions so he’s not offended, but he would just like to correct the record that in fact the presiding officer attempted to distill into motions

the idea is that the industry had been circulating for the purpose of this new process that the Commissioners would be able to have before them actually language to vote on. One example, and he's not sure if the Commissioners saw this, is that it was an idea that they would be racing without spectators because he believes parties thought that they could be compliance with the Governor's Order by having harness racing without spectators there. There was a draft of the order. So, he just would like to correct the record. That this is not his idea. He is indifferent. He does believe that the Commission needs to weigh in so to that extent. Mr. MacColl and he disagree. As far as the department they will hear from the department at this point in time but before he does that, he would like to open up the floor for Commissioners to ask Mr. MacColl any questions. After a brief discussion, AAG, Guay read the motion.

RECORD OF ROLL CALL VOTE

Motion:

During the effective dates of Executive Order 19 FY 19/20, or successor Executive Orders to the extent that harness racing is prohibited under that order, AUTHORIZATION TO CONDUCT RACE MEETS IS SUSPENDED.

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

RECORD OF ROLL CALL VOTE

Motion:

APPROVE the written form of the March 31, 2020 decision and order pertaining to the reopened 2020 race date proceeding and AUTHORIZE the Executive Director to sign the order.

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

RECORD OF ROLL CALL VOTE

Motion:

Commission authorizes race dates to be changed as follows:

To the extent permitted by Governor's orders during April and May Davric is authorized to

- 1) Race on Fridays instead of Saturday**
- 2) Post times at 1:30 p.m.**
- 3) Run up to 14 dashes per day on each day**

This order is verbally adopted and effective upon call of the roll.

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

RECORD OF ROLL CALL VOTE

Motion to adjourn:

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Adjourn:
11:50 a.m.